



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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May 21, 2003

IN REPLY PLEASE

REFER TO FILE: **MP-5**

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION OF SANITARY SEWER EASEMENT
EAST OF 119TH STREET - DEL AIRE
SUPERVISORIAL DISTRICT 2
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find this action categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Find that the public service easement for sanitary sewer purposes is no longer required for public use and that the easement may be vacated under the authority of Section 5400 of the California Health and Safety Code.
3. Find that:
 - a. Pursuant to Section 8333 (a) of the California Streets and Highways Code, the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
 - b. Pursuant to Section 8333(c), the easement has been superseded by relocation and there are no other public facilities located within the easement.
4. Find that the easement for sewer purposes to be vacated is no longer needed for present or prospective public use.

5. Adopt the enclosed Resolution of Summary Vacation vacating the sanitary sewer easement east of 119th Street, as described in Exhibit "A" and as shown in Exhibit "B" of the Resolution.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

DCA Civil Engineering Group, on behalf of Del Aire Title Holding Corporation, requested adoption of the enclosed Resolution to remove from the record an excess public service easement for sanitary sewer purposes within the property.

The sewer easement, as dedicated in Parcel Map No. 18568, has been superseded by relocation. An alternate easement following a new alignment was acquired and the facility has been built and dedicated to the County in 1989. The vacation of the sewer easement will not have a negative impact on any properties in the area.

It is in the County's interest to vacate this easement since it no longer serves the purpose for which it was dedicated. With this action, your Board will vacate an easement the County and the public no longer need.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the sewer easement will result in added revenue through assessment and taxation, eliminates unnecessary maintenance cost, and removes possible County exposure to liability.

FISCAL IMPACT/FINANCING

Vacation of the easement will not have a negative fiscal impact on the County's budget. A fee of \$2,000 was paid by the petitioners to defray the expenses of the vacation.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area to be vacated contains approximately 2,550 square feet and is shown on the map (Exhibit "B") attached to the Resolution.

The County's interest was acquired as an easement for sanitary sewer purposes by dedication in Parcel Map No. 18568, filed in Book 213, pages 76 through 85, inclusive, of Parcel Maps, on file in the office of the Recorder of the County of Los Angeles. An alternate sewer easement was dedicated to the County in Deed recorded on October 12, 1989, as Document No. 89-1648107, on file in the Recorder's office.

The California Health and Safety Code and the Public Streets, Highways, and Service Easement Vacation Law allow your Board to voluntarily relinquish the County's interest, terminate the right of the public to the vacated area, and dispose of excess County right of way. Your action will also result in the property being unencumbered of the public easement, thereby allowing the underlying fee owner to exercise reversionary rights over the area vacated.

ENVIRONMENTAL DOCUMENTATION

With respect to requirements of CEQA, this proposed vacation is categorically exempt as specified in Class 21(a) of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57, and Section 15321 of State CEQA Statutes and Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The County of Los Angeles Regional Planning Commission has determined that the proposed vacation does not conflict with the County-adopted General Plan.

CONCLUSION

This action is in the County's best interest. Enclosed is a Resolution of Summary Vacation to Vacate the Sanitary Sewer Easement, approved as to form by County Counsel. Upon adoption of the Resolution, please return the executed original and a copy to Public Works for further processing. Public Works will record the Resolution and return the executed original Resolution to you when recorded. In the interim, please retain one executed copy for your files.

The Honorable Board of Supervisors
May 21, 2003
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One approved copy of this letter is requested.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

CVC:adg
P5\DEL AIRE SEWER BRD

Enc.

cc: Chief Administrative Office
County Counsel

RECORDING REQUESTED BY AND
MAIL TO:

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
P. O. Box 1460
Alhambra, CA 91802-1460

Attn: Mapping & Property Mgmt. Div.
R/W Engineering Section
(Chris Cristobal)

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

This Document recorded by County of Los Angeles
pursuant to Section 6103 of the Government Code

RESOLUTION OF SUMMARY VACATION TO VACATE SANITARY SEWER EASEMENT

BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that it is hereby found and determined that the portion of real property dedicated to the County of Los Angeles as an easement for sanitary sewer purposes, legally described in Exhibit "A" and as shown by the map in Exhibit "B" attached hereto, and incorporated herein by this reference, which right of way is located in the unincorporated County area, vicinity of Del Aire, in the County of Los Angeles, State of California, is no longer needed for present or prospective public use based upon the following facts: (1) that the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and (2) that the easement has been superseded by relocation and there are no other public facilities located within the easement.

BE IT FURTHER RESOLVED that the public service easement for sanitary sewer purposes in, over, and across the right of way legally described in Exhibit "A" attached hereto, is hereby vacated pursuant to Section 5400 of the Health and Safety Code of the State of California, and Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code, State of California, commencing with Section 8330.

AND BE IT FURTHER RESOLVED that the Department of Public Works be authorized to record the certified original Resolution in the Office of the Recorder of the County of Los Angeles, at which time the area vacated will no longer be a public service easement.

The foregoing Resolution was on the _____ day of _____, 20____, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

APPROVED AS TO FORM

By

LLOYD W. PELLMAN
County Counsel

Deputy

By _____
Deputy

CVC:adg
P5\DEL AIRE SEWER BRD

EXHIBIT "A"

**SANITARY SEWER EASEMENT VACATION
(M9591001)**

That certain SANITARY SEWER EASEMENT, 10.00 feet wide, in Parcel 1, Parcel Map No. 18568, in the unincorporated territory of the County of Los Angeles, State of California, as shown on and dedicated by map filed in Book 213, pages 76 through 85, inclusive, of Parcel Maps, in the Office of the Recorder of said County.

Description Approved

JAMES A. NOYES
Director of Public Works

By _____
Deputy

CVC:adg
P5\DEL AIRE SEWER BRD

